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7 Attorneys for Defendant  
8 SMITH'S FOOD & DRUG CENTERS, INC.

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 NICOLE DI IORIO, an individual,

12 Plaintiff

13 vs.

14 SMITH'S FOOD & DRUG CENTERS, INC.  
a Foreign Corporation, dba SMITH'S FOOD  
& DRUG CENTER #372; M706 KROGER  
WEST, an unknown entity; DOE  
15 INDIVIDUAL GROCERY STORE OWNER,  
I through X, inclusive; ROE ENTITY  
16 GROCERY STORE OWNER, I through X,  
inclusive; DOE INDIVIDUAL GROCERY  
STORE LANDOWNERS, I through X,  
inclusive; ROE ENTITY GROCERY STORE  
LANDOWNERS, I through X, inclusive; DOE  
17 INDIVIDUAL MAINTENANCE  
CONTRACTORS, I through X; inclusive;  
ROE ENTITY MAINTENANCE  
18 CONTRACTORS, I through X, inclusive;  
DOES INDIVIDUALS I through X, inclusive;  
and ROE ENTITITES I through X, inclusive

19  
20  
21  
22  
23 Defendants

Case No. 2:22-cv-00955-CDS-BNW

**STIPULATION FOR DISMISSAL WITH  
PREJUDICE**

24 WHEREAS, the parties and their counsel agreed upon a full and final settlement of this case  
25 and all claims asserted therein;

26 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff NICOLE DI  
27 IORIO, by and through her counsel of record, DAVID L. THOMAS, ESQ. of the law firm G.  
28 DALLAS HORTON & ASSOCIATES, and Defendant, SMITH'S FOOD & DRUG CENTERS,

INC., by and through its counsel of record, JERRY S. BUSBY, ESQ., of the law firm COOPER LEVENS

1. That this case be dismissed, with prejudice, each party to bear their own fees and costs;
  2. That any pending dates on the Court's docket be vacated.

Respectfully submitted this 14th day of March, 2023.

## G. DALLAS HORTON & ASSOCIATES

## COOPER LEVENSON, P. A.

/s/ David L. Thomas  
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NICOLE DI IORIO

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SMITH'S FOOD & DRUG CENTERS, INC.

**IT IS SO ORDERED.** The Clerk of Court is directed to close this case.

DATED: March 14, 2023

**UNITED STATES DISTRICT JUDGE**